IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.8960 of 2004

Sou Kamal Sampatrao Patil...Petitioner
vs
State of Mah and ors...Respondents

Dr.V.K.Choudhary for the petitioner
Mr.V.P.Malvankar AGP for respondent no.l and 2
Ms Rucha Pawar for respondent nos.3 and 4.

CORAM: A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 22.l2.2004

P.C:

l. The petitioner is a member of the respondent no. 4 Tapovan Nagarik Path Sanstha Maryadit, Kolhapur, which is a urban credit society and a resource society. The respondent no. 4 is engaged in the business of collecting deposits and disbursement of the loans to members. It appears that there were complaints about the mismanagement of the affairs of the society and some of the depositors had approached the District Deputy Registrar of Cooperative Societies for return of their deposits and the District Deputy Registrar was pleased to issue directives under section 79 of the Maharashtra Cooperative Societies Act, l960 for return of the deposits to the depositors.

2. Even after the issuance of such directives the society did not return the amount to the depositors and, therefore, show cause notices were issued to the society under section 78 of the said Act and an Administrator came to be appointed. The management of the society preferred an appeal against the appointment of the Administrator which came to be dismissed by the Joint Registrar. The management of the society then preferred revision application to the State Government under section 54 of the said Act and the State Government granted interim stay to the order of appointment of the Administrator inspite of the fact that the Administrator had already taken charge of the society and consequently the Administrator handed back the charge to the managing committee of the society. The order of the State Government was stayed by this court in Writ Petition No.67l7 of 2004 and consequently the Administrator has taken back the charge of the society from the managing committee.

3 It is the case of the petitioner that in the intervening period when the management had gone into the hands of the managing committee by virtue of the order of the State Government undue favours

were shown by the management committee to the friends and relatives of the management committee members causing loss of nearly 95 lacs to the society. The petitioner therefore filed a complaint before the District Deputy Registrar to hold inquiry under the provisions of section 88 of the said Act into the alleged mis appropriation of funds and fix responsibility for the losses which have been caused to the society. The grievance of the petitioner is that the District Deputy Registrar has failed to take any action on the complaint filed by the petitioner.

4 We have heard the learned counsel for the petitioner and learned AGP for the respondent nos.l to 4. The administrator has filed an affidavit wherein he has stated that the allegations made by the petitioner appear to be true as per the record of the society and on the basis of which inquiry under section 88 can be initiated. The District Deputy Registrar is directed to enquire into the allegations made by the petitioner and after granting an opportunity of hearing to all the concerned parties i e. the petitioner as well as the Administrator and the members of the managing committee pass appropriate orders in accordance with law within a period of 3 months from today.

All contentions of the parties are expressly left open. Petition is accordingly disposed of.